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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,224	06/30/2006	Robert Koppensteiner	KOPPENSTEINER-2 PCT	9365

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COLLARD & ROE, P.C.  
1077 NORTHERN BOULEVARD  
ROSLYN, NY 11576

EXAMINER
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TOLAN, EDWARD THOMAS

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/585,224

Applicant(s)

KOPPENSTEINER, ROBERT

Examiner

EDWARD TOLAN

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3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kralowetz (3,753,365) in view of Staat et al. (4,928,507). Kralowetz discloses a method and apparatus for forming a hollow body workpiece (13) by swaging using diametrically opposed forging tools (1). An upstream chuck (24) is shaped with a face side stop for the work (fig. 3). The chuck is rotatably and axially driven (col. 3, lines 15-20). A mandrel (28) is axially displaceable by means of an actuator (27) on a side of the forging tools (1) opposite of the chuck. The chuck has a pressing cylinder (22) for the workpiece (13). The mandrel is displaceable axially in a reciprocating fashion via its actuator (27) depending upon the movement of the chuck (col. 3, lines 29-31 and 45-48). The mandrel has graduated diameter sections comprising a tip (28') and shoulder (28"). Regarding claim 1, the workpiece (13) is pressed with a force against the mandrel (28) by piston (23) and the mandrel is advanced by actuator (27). The force is predeterminable by pressure regulating valve (26). Regarding claims 8 and 9, Kralowetz discloses two chucks (24,12), cylinder (14) having sleeve (10) driven by a motor (11) for chuck (12) and hydraulic cylinder (22) for chuck (24). Kralowetz does not disclose that the mandrel pierces the hollow body. Staat teaches piercing mandrel (17)

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that penetrates into a space in a chuck (18) holding a workpiece (15) as the workpiece is advanced by the chuck into forging tools (12,13). It would have been obvious to one skilled in the art at the time of invention to pierce and form the work of Kralowetz as taught by Staat in order to process hollow bodies in a single operation from a solid blank. Piercing mandrels have predictable results as known in the forging/swaging arts and a tipped mandrel of Kralowetz can be used to pierce in a known method as taught by Staat. "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results" KSR Int'l Co. v Telflex Inc., 127 S. Ct. 1727,1742, 82 USPQ 2d 1395,1396 (2007).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kralowetz in view of Staat and further in view of Inoue (5,088,311). Kralowetz in view of Staat does not disclose a centric depression. Inoue teaches (fig. 1) a centric depression (102) in a workpiece (101). It would have been obvious to one skilled in the art at the time of invention to provide the workpiece of Kralowetz in view of Staat with a depression as taught by Inoue in order to reduce an initial piercing pressure.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

ED TOLAN  
PRIMARY EXAMINER

